

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

WALTER DUANE WHITE,

Plaintiff,

v.

Civil Action No. 2:07cv15

WARDEN JOYCE FRANCIS, et al.,

Defendants.

ORDER DENYING MOTION TO CONSOLIDATE

This case was initiated by the *pro se* plaintiff on February 14, 2007, upon the filing of a civil rights complaint. Plaintiff was granted permission to proceed *in forma pauperis* on February 28, 2007. On June 21, 2007, the plaintiff filed a motion seeking to consolidate this action with Civil Action No. 5:06cv166, another civil rights complaint that was filed December 29, 2006. At the time the plaintiff filed his motion to consolidate, a Report and Recommendation was pending in Civil Action No. 5:06cv166 recommending its dismissal. On July 18, 2007, the Report and Recommendation was adopted and an Order of Judgment was entered in favor of the defendant.

Accordingly, the plaintiff's Motion to Consolidate (Doc. 22) is **DENIED** as moot.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: October 16, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE